SENATE, No. 1470

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

Co-Sponsored by:

Senators Bateman and Stack

SYNOPSIS

Expands domestic violence protection for adoptive parents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/16/2013)

1 **AN ACT** concerning domestic violence and amending P.L.1991, c.261.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

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- 7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to 8 read as follows:
 - 3. As used in this act:
- a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:
- 13 (1) Homicide N.J.S.2C:11-1 et seq.
- 14 (2) Assault N.J.S.2C:12-1
- 15 (3) Terroristic threats N.J.S.2C:12-3
- 16 (4) Kidnapping N.J.S.2C:13-1
- 17 (5) Criminal restraint N.J.S.2C:13-2
- 18 (6) False imprisonment N.J.S.2C:13-3
- 19 (7) Sexual assault N.J.S.2C:14-2
- 20 (8) Criminal sexual contact N.J.S.2C:14-3
- 21 (9) Lewdness N.J.S.2C:14-4
- 22 (10)Criminal mischief N.J.S.2C:17-3
- 23 (11)Burglary N.J.S.2C:18-2
- 24 (12)Criminal trespass N.J.S.2C:18-3
- 25 (13) Harassment N.J.S.2C:33-4
- 26 (14)Stalking P.L.1992, c.209 (C.2C:12-10)
- When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the
- 30 filing of a petition or complaint pursuant to the provisions of
- 31 section 11 of P.L.1982, c.77 (C.2A:4A-30).
- b. "Law enforcement agency" means a department, division,
- 33 bureau, commission, board or other authority of the State or of any
- 34 political subdivision thereof which employs law enforcement
- 35 officers.
- 36 c. "Law enforcement officer" means a person whose public
- 37 duties include the power to act as an officer for the detection,
- 38 apprehension, arrest and conviction of offenders against the laws of
- 39 this State.
- d. "Victim of domestic violence" means a person protected
- 41 under this act and shall include any person who is 18 years of age or
- older or who is an emancipated minor and who has been subjected
- 43 to domestic violence by a spouse, former spouse, or any other
- 44 person who is a present or former household member. "Victim of
- 45 domestic violence" also includes:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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1 (1) any person, regardless of age, who has been subjected to 2 domestic violence by a person with whom the victim has a child in 3 common, or with whom the victim anticipates having a child in 4 common, if one of the parties is pregnant [. "Victim of domestic 5 violence" also includes]; 6 (2) any person who has been subjected to domestic violence by 7 a person with whom the victim has had a dating relationship; and 8 (3) any parent of an adopted child who has been subjected to 9 domestic violence by a person whose parental rights towards the 10 adopted child have been terminated. 11 e. "Emancipated minor" means a person who is under 18 years 12 of age but who has been married, has entered military service, has a 13 child or is pregnant or has been previously declared by a court or an 14 administrative agency to be emancipated.

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2. This act shall take effect on the first day of the second month following enactment.

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STATEMENT

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This bill amends the definition of "victim of domestic violence" in the "Prevention of Domestic Violence Act of 1991" to include any parent of an adopted child who has been subjected to domestic violence by a person whose parental rights towards the adopted child have been terminated. The effect of this change is to permit a parent of an adopted child to avail himself or herself of the protections afforded by the "Prevention of Domestic Violence Act of 1991."

The term "domestic violence" is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) and includes any of the following crimes when committed against a person protected under the "Prevention of Domestic Violence Act of 1991:"

- Homicide N.J.S.2C:11-1 et seq.
- Assault N.J.S.2C:12-1

(cf: P.L.1994, c.94, s.1)

- Terroristic threats N.J.S.2C:12-3
- Kidnapping N.J.S.2C:13-1
 - Criminal restraint N.J.S.2C:13-2
- False imprisonment N.J.S.2C:13-3
- Sexual assault N.J.S.2C:14-2
- Criminal sexual contact N.J.S.2C:14-3
- 43 Lewdness N.J.S.2C:14-4
- Criminal mischief N.J.S.2C:17-3
- Burglary N.J.S.2C:18-2
- Criminal trespass N.J.S.2C:18-3
- Harassment N.J.S.2C:33-4

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• Stalking P.L.1992, c.209 (C.2C:12-10)

2 Under current law, a parent of an adopted child who is subjected 3 to domestic violence by a person whose parental rights towards the adopted child have been terminated is not protected under the 4 5 "Prevention of Domestic Violence Act of 1991" unless some other relationship exists between the actor and the victim which allows 6 the victim to show he or she is a "victim of domestic violence," as 7 8 that term is defined in subsection d. of section 3 of P.L.1991, c.261 9 (C.2C:25-19).